

DA Hits

*Richard
Belli*

Shaw Trial Shift Plea

The district attorney's office today launched a counterattack against efforts of attorneys for Clay L. Shaw to get Shaw's trial moved away from New Orleans.

Assistant DAs James L. Alcock and Richard V. Burnes filed motions attacking the change-of-venue motion filed last week as legally insufficient and urging Criminal District Judge Edward A. Haggerty Jr. to throw it out.

THE ACTION by the DA's office raised the possibility of further delay in the proceedings, now nearly a year old. Judge Haggerty gave the defense until Monday to answer Alcock's motion.

Shaw, charged with criminal conspiracy in the assassination of President John F. Kennedy, was in court with his lawyers. His trial had been scheduled to start today, but the change-of-venue motion necessitated a delay.

SHAW WAS NEATLY dressed in a blue suit and two-tone blue striped tie. He did not talk to newsmen.

The court action was brief and Shaw left immediately afterward. Photographers were barred from the Criminal Court Building by order of Judge Haggerty.

Shaw will not be required to appear at Monday's hearing.

A **MARCH 5** hearing had been set earlier on the change-of-venue motion, but should the judge rule in favor of the state's motion filed

today, this could also be delayed.

Shaw's attorneys want the trial moved at least 100 miles from New Orleans because, they contend, there has been too much publicity about the case here for the defendant to get a fair trial.

They came into court today to make a routine request for a delay in the trial pending the March 5 hearing. Judge Haggerty has said he would grant the delay.

THE MOTION by Alcock and Burnes contends that the change-of-venue motion should be stricken from the record because it does not comply with Louisiana law on such procedure.

It asked that the state not be required to answer the change-of-venue motion until new motions complying with the law have been filed by the defense.

Alcock contends that the defense motion errs in alleging that the burden of proof is on the state and that the district attorney must show cause why the change should not be granted. He says this violates the Louisiana code of criminal procedure.

THE MOTION charges the defense improperly tried to incorporate the change-of-venue motion with a motion for a continuance filed Sept.

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CLAY L. SHAW, center, is escorted to a waiting automobile by Criminal **SHERIFF LOUIS A. HEYD** following a court appearance today. Following defense Attorney **EDWARD WEGMANN**.



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27, which was already ruled upon.

It contends that the statements in the change-of-venue motion were not sworn to by the defense, but merely presented as "to the best of his knowledge and belief." This, says Alcock, is insufficient.

The legal provision that the statements must be sworn to, Alcock said, "prevents counsel for (the defense) . . . from filing their application with patently false and spurious allegations of fact."

ALCOCK SAID the code requires that the change-of-venue motion contain a statement that "the application is not made for the purpose of delay but to obtain a fair and impartial trial."

To protect Shaw and other figures in the case, drapes have been obtained to cover the large windows in a corridor alongside the courtroom.

CRIMINAL SHERIFF Louis A. Heyd had the drapes rented because "the windows gave a perfect view from rooftops across the street from the court building," he said.

The sheriff is in charge of security for the courthouse.

Meanwhile, Thomas Edward Beckham, 27, set to testify Thursday in the probe, said yesterday in Omaha he plans to run for Congress.

BECKHAM SAID he is a registered Republican who will file for the Nebraska Second District congressional nomination when he returns from New Orleans to Omaha.

"I don't have a thing to lose even if I don't get any votes," he said.

Melvin Belli, San Francisco attorney, told the Iowa State Jaycee convention at Spencer, Iowa, yesterday that Garrison fears Shaw may be assassinated if he is brought to trial.

BELLI DID NOT elaborate on the remark. He described Garrison as a "reasonable man" but said he doubts the probe will produce any specific results.

Belli was attorney for Dallas nightclub owner Jack Ruby, who killed Lee Harvey Oswald. The Warren Commis-

sion said Oswald was the lone assassin of President Kennedy.

Belli said Ruby did not know Oswald and he is convinced there was no conspiracy.